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END OF PRIZE FIGHT PROSECUTION

MR. BRECKONS IS DISCHARGED

COUNTY ATTORNEY CATHCART ENTERS A NOLLE PROSEQUI WHICH JUDGE ANDRADE PROMPTLY GRANTS—WHERE THE UNITED STATES ATTORNEY AND THE COUNTY SHERIFF HAD DECLINED TO ACT THE COUNTY ATTORNEY WOULD NOT INTERFERE.

United States District Attorney Robert W. Breckons, charged with being wilfully present at a prize fight, was discharged by District Magistrate Andrade this morning under a nolle prosequi entered by County Attorney Cathcart.

It has been many months since such an interested gathering of spectators was present at a session of Police Court, as there was this morning, when the case of the Territory against R. W. Breckons was called. Long before the hour set for the opening of court people began to arrive, and in a short time all the available chairs in the room were filled with witnesses who had been summoned and those who had taken an unusual interest in the case. Theodore Richards, Lyle A. Dickey, E. W. Thwing and John Martin were all seated together, while the other people present stood up in the rear of the court room and in the hall. Among those present were Jack Lucas, Scotty Meaton, Dr. Humphreys, M. F. Frosser, J. D. Gaines, W. C. Peacock, Frank Hatch, Judge Stanley, L. E. Pinkham, S. L. Chillingworth, Pat Gleason, Judges Kaulukou and Mahaulu, Charles Crane, Frank Halstead, C. W. Chillingworth, H. M. Ayres, F. E. Thompson, George F. Henshall, C. K. Notley, E. C. Peters, F. W. Milverton, Harold Giffard, Dr. Monsarrat and many others.

County Attorney John W. Cathcart represented the Territory, while R. W. Breckons was represented by Kinney & Marx, Holmes & Stanley and Thompson & Clemons.

Mr. Frosser, of counsel for the defense, announced to the court that Mr. Breckons was unable to be present, but that his counsel were perfectly willing to go on without him, if the court was willing.

Mr. Cathcart for the Territory then asked the court's permission to enter a nolle prosequi in the case of R. W. Breckons as well as for Ah Sam and Willie. Mr. Cathcart then addressed the court as follows:

MR. CRANE NOT THERE

EDITOR STAR:—Will you kindly permit me to say to the public, and especially to the friends of the Methodist Church, through your paper, that there is no truth in the report current, that I was present at the Orpheum last Saturday night. I am not in favor of even sparring exhibitions.

(REV.) DAVID W. CRANE.

"The reason for my asking for a nolle prosequi in this case is the doubt existing in my mind as to whether there was a prize fight or not. I have investigated the matter thoroughly, and I feel that a nolle prosequi should be granted. I do not wish to have the people misunderstand my actions in this matter, for three reasons:

"First—There is a good deal of doubt in my mind as well as in the minds of many others whether the boxing on Saturday night could be really called a fight in any sense of the word.

"Second—The United States District Attorney's office, as well as the County Sheriff, refused to take any action in the matter when requested to do so by the ones that have been interested in this case, and as the two officials requested to interfere saw fit to refuse, I do not think that I have any right to insist on the defendant being prosecuted.

"Third—I consider that the action taken by the complaining witness in this case was entirely improper, in view of the fact that, as I have said before, the people that should have taken the initiative in the matter have refused to do it, then I feel that I have no right to interfere.

"The proper course to pursue, now that the grand jury is in session, is to lay the matter before that body, and if they find that an offense has been committed then they will return an indictment, but if they find there is not enough evidence to warrant an indictment they will return a no bill. I do not consider that the proper course was pursued in having Mr. Breckons arrested on a bench warrant, and I again ask the court to allow the nolle prosequi.

The court promptly granted the request and the large assembly flocked out of the place.

A COOL RETREAT.

The Alexander Young Cafe has just installed the latest New York ventilating system, and its patrons are much pleased with it.

THE SOLE AGENCY.

Through his agents in Japan, K. Yamamoto, wholesale merchant, secured the sole agency for Tengu Brand Japanese Rice. The sale of this well known brand is daily increasing. Phone 399. Hotel street near Nuuanu.

A Fifty Cent Tin of glucose will catch all the mice, rats and cockroaches in your house. Honolulu Candy Co.

Delicious chocolates, Allegretti's, pound and half pounds at Benson, Smith & Co.

MILLS MUST PAY CONTEMPT FINE

THE SUPREME COURT DECIDES AGAINST HIM ON APPEAL FROM CIRCUIT JUDGE DE BOLT WHO HAD IN HABEAS CORPUS PROCEEDINGS SUSTAINED DISTRICT MAGISTRATE ANDRADE'S SENTENCE FOR CONTEMPT OF COURT.

Harry T. Mills will have to pay the fine of \$10 which was imposed on him for contempt of court by Judge Andrade, or stay in jail for such a period as the District Magistrate may designate, as the result of a decision handed down by the Supreme Court this morning. This means that Mills' fight, which took place with an opposing attorney in Judge Andrade's court about three months ago, will cost him in the neighborhood of \$125, instead of \$10, which would have been the amount had he paid the fine inflicted by Judge Andrade in the first instance.

The matter came up through a personal dispute which took place between Mills and an opposing attorney, while they were arguing a small civil case before Judge Andrade. Words led to blows and as soon as the contestants had been separated Judge Andrade found both parties in contempt and ordered each to pay a \$10 fine. While the other lawyer paid his fine at once, Mills refused to obey the order of the court and was arrested on a bench warrant the next day and remained in the police station over night. A writ of habeas corpus was sworn out and Mills released to appear before the Circuit Court. Judge Quarles was retained by Mills to represent him and attempted to introduce testimony to the effect that Mills had acted simply in self-defense and within his rights in resisting an attack made on his person. The attorney for the respondent held that such testimony could not be taken, on the ground that there is no appeal from direct contempt and that is prima facie culpable.

The syllabus in the Supreme Court decision says:

"No appeal lies from a judgment of direct criminal contempt. A mittimus, reciting that the petitioner by, etc., was adjudged guilty of direct contempt of court in that he took part in a fight with one T. in the court room when the court was engaged in the trial of a case entitled, etc., on, etc., and was summarily sentenced to pay a fine of \$10 or be imprisoned until the fine should be paid, for a term not to exceed ten days, and that it appeared that the fine had not been paid, summarily complies with the statute requiring that the particular circumstances of the offense be fully set forth.

"The court will consider in habeas corpus whether the facts on which a contempt was adjudged constitute the truth nor allow them to be contradicted, on the ground that there is no appeal from direct contempt and that is prima facie culpable."

SEEKING A JURY TO TRY LEE LET

STRONG FIGHT BEING MADE IN TESTING THE QUALIFICATIONS OF TALESMEN—VERACITY OF NEWSPAPERMEN IS IMPUGNED BY NONE—JUDGE ROBINSON RULES OUT A QUESTION RELATIVE TO BELIEVING THE EVIDENCE OF CHINESE.

The trial of the Territory, or as one man in court called it, the Advertiser vs. Lee Let, was commenced this morning before Judge Robinson in the Circuit Court. That the famous bribery case will be fought through to the end was shown at once and in the entire morning session only seven jurymen were passed by the opposing counsel. The newspapermen present were glad to hear the talesmen one after the other declare that they were perfectly willing to believe the reporters who will be called as witnesses.

There was a very important matter which came up in relation to the questions asked by Thompson in regard to the credence which the jurors would place in the testimony of Chinese witnesses. The decision of the judge may be called into play again before the matter is finally settled.

The selection of jurors was a long drawn out fight, the questioning for the prosecution being conducted by Deputy Attorney General Larnach and for the defendant by Attorney F. E. Thompson. The main fight came over the following question asked juror Pattigan, which was ruled out by the court: "If the defendant, a Chinaman, should testify in his own behalf, would you give his testimony the same credit as you would a white man in like circumstances?"

Thompson brought in a legal record showing that the identical question had been allowed by the Supreme Court of California, besides stating that Judge Dole, Judge Estee and Judge Gear had also made such ruling. In the face of this the question was ruled out to which the defense ex-

\$14,000 IN SIGHT

On account of friction existing between the entertainment and the executive committees, this afternoon's meeting of the latter in the Promotion rooms lasted much longer than usual, the meeting not being adjourned until two-thirty. Those present were: Geo. R. Carter, chairman, James F. Morgan, George W. Smith, H. P. Wood, L. F. Peck, Colonel Jones and F. L. Waldron.

Mr. Carter reported that he had spoken to the hotel committee about furnishing accommodations for the sailors who could not afford to stay at hotels when ashore, but they asked to have the matter referred to another committee.

The matter was placed in the hands of the Commissary committee, who will look into it at once.

W. F. Dillingham, chairman of the Commissary committee, asked for an appropriation of \$1150 for a hookup. On motion by Smith, seconded by Morgan, the amount asked for was granted.

After a very general discussion on the question of a hall at which many remarks passed back and forth between Carter and Waldron, the matter was finally settled by a motion by Smith, seconded by Morgan, favoring an appropriation of \$2500 for the hall, Carter and Peck voting against it.

Another motion by the same members was carried, that an item of \$100 be referred back to the entertainment committee, the money being a part of the report from the commissary committee.

Carter reported that \$13,975 was in sight for the general fund. The meeting then adjourned until tomorrow afternoon.

Y. M. C. A. AND FLEET

The local Young Men's Christian Association is preparing to do its share toward the entertainment of the battleship fleet and is at present making an attempt to get possession of the old Fishmarket building on the waterfront for use in the holding of services. Secretary Paul Super, of the Y. M. C. A. called on the Superintendent of Public Works this morning in regard to the matter.

Mr. Campbell was compelled to say that he could do nothing, as he had notified the fleet committee that he would place the building at its disposal during the stay of the battleships in this port. The matter will be taken up at once, as the Y. M. C. A. proposes to hold morning services in the Fishmarket, and the plan will probably be favored by the committee.

Col. Johnson To Resign From Roads

Col. Sam Johnson has received an offer from the Mahogany Lumber Co. which he will probably accept. A meeting of the Board of Supervisors will be held this afternoon at which his resignation will probably be tendered as Road Supervisor.

A CERTAIN CURE FOR BOWEL COMPLAINT.

When attacked with diarrhoea or bowel complaint you want a medicine that acts quickly. The attack is always sudden, generally severe and with increasing pain. Chamberlain's never been known to fail in any case of Colic, Cholera and Diarrhoea Remedy has never been known to fail in any case of colic, diarrhoea or summer complaint in children. For sale by all dealers, Benson, Smith & Co., agents for Hawaii.

Thompson found out that because the Advertiser was in favor of the policies of small farming would not affect his verdict.

ROOSEVELT FALLS FROM HIS HORSE

(Associated Press Cable to The Star.)

WASHINGTON, D. C., June 3.—President Roosevelt, while taking a morning gallop this morning, fell with his horse into a creek. The President was unhurt.

DETECTIVE ACCUSES EDITOR

SAN FRANCISCO, June 3.—Detective Burns brings charges against M. H. De Young, proprietor of the Chronicle of this city, alleging criminal libel and has caused his arrest. De Young is released under \$50 bail.

RACING ACROSS ATLANTIC

MARBLEHEAD, June 3.—Six yachts this morning started in a race to Bermuda.

ALLISON IS WINNER

DES MOINES, June 3.—W. D. Allison wins in the fight for the Senatorship.

DERBY DAY IN LONDON

LONDON, June 3.—At the Derby today T. Ginstrell's Sigornetta, 100 to 1, eighteen starters, 7 minutes, 39.45 seconds, value \$82,500.

The time given by the cable is absurd, as the Derby record for the 18 years 1890-1907 ranges from 2:40.4-5 to 3:11. The distance is 1½ miles.

YANKEE RAILS FOR SIBERIA

PITTSBURG, June 3.—It is reported that the Steel Corporation will supply a million tons of metal for relaying the Siberian railway.

OLD BETHEL CHURCH PICNIC

About one hundred members of the old Bethel church will leave tomorrow morning on a special train as the guests of Mr. and Mrs. B. F. Dillingham for a trip to Wahiawa and Haleiwa.

The train will leave the King street station about nine o'clock and will make the first stop at Wahiawa, giving the party a chance to see the pineapple cannery and the other points of interest in and around the vicinity. The train will then go to Haleiwa, where a special luncheon will be served to the guests. A stop of one or two hours will be made at the hotel, the party returning to the city here in time for dinner.

Bethel church was originally the Seamen's Bethel under the late Dr. S. C. Damon's pastorate, sometime before his death becoming a regular Congregational place of worship. The congregation a few years later, under the pastorate of Rev. E. C. Oggel, united with the old First street church to form Central Union congregation.

A quarter of a century ago Mr. Dillingham was superintendent of the Bethel Sunday school. The church building was a quaint-looking two-story edifice, with the auditorium and gallery upstairs and Sunday school room on the ground floor. It stood at the corner of King and Bethel streets, where Hoffschlaeger's store now is, and was destroyed in the great Chinatown fire of 1886.

WELCH PUT BACK. The bark Andrew Welch, sailed from San Francisco on May 29 for Honolulu, according to Marine Exchange cables, and put back to port the day following, sailing again for this port on Sunday, May 31. The bar was probably too rough for her.

L. de L. Ward, accountant, has reopened an office above the Hawaii Photo & Art Co., Fort street.

YOURS IF You Want It

WHAT IS? Comfort, of course. We bought these to give you comfort and feel sure that they will become the fast friends of many people who are having trouble with their feet. They are made of soft Golden Brown Vici Kid, on an easy and roomy last. We can recommend this shoe as possessing excellent wearing qualities as well as comfort.

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